

EXHIBIT 11

BUNGIE INC. vs NICHOLAS MINOR
Nicholas Minor on 07/20/2023

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE
4
5 BUNGIE INC.,)
6 Plaintiff,)
7 v.) No. 2:22-cv-371-MJP
8 NICHOLAS MINOR a/k/a "LORD)
9 NAZO,")
10 Defendant.)
11
12
13

14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION UPON
15 ORAL EXAMINATION OF
16 NICHOLAS MINOR

17 10:02 A.M.
18 JULY 20, 2023
19 SAN FRANCISCO, CALIFORNIA
20
21
22
23
24

25 REPORTED BY: ABIGAIL F. MARKSON, CCR 3461

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1

A P P E A R A N C E S

2

(ALL PARTIES APPEARING REMOTELY)

3

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5

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17

18 ALSO PRESENT:

19

ROCCO FRANCO - VIDEOGRAPHER

20

DEBORAH GAYNOR

21

KAT FARLEY

22

23

24

25

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I N D E X

2

3 EXAMINATION BY:

PAGE

4 MR. SCHMEYER

5

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1 SAN FRANCISCO, CALIFORNIA; JULY 20, 2023

2 10:02 A.M.

3 --oo--

4 NOCHOLAS MINOR,

5 sworn as a witness by the Certified Court Reporter,
6 testified as follows:

7

8 THE VIDEOGRAPHER: This begins the
9 deposition of Nicholas Minor in the matter of Bungie
10 Inc. versus Nicholas Minor. Today's date is July 20th,
11 2023, and the time on the monitor is 10:02 a.m.12 My name is Rocco Franco, and I'm the
13 videographer. The court reporter is Abby Markson, and
14 we are here with Huseby Global Litigation.15 Counsel, please introduce yourselves, after
16 which the court reporter will swear in the witness.17 MR. SCHMEYER: My name is Dylan
18 Schmeyer. I am counsel for the plaintiff, Bungie Inc.
19 My pronouns are he and him.20 MR. GETZ: Brian Getz on behalf of the
21 deponent, who is seated to my right. My pronouns are
22 he and him.23 MR. NEVILLE: And, I'm sorry. I forgot
24 to do this when it was my turn. My name is Thomas
25 Neville. I'm working with Mr. Schmeyer for Bungie. My

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1 pronouns are he, him, and his.

2 And, Folks, if you're on the Zoom from the
3 firm, you will need to pop on briefly to --

4 MR. SCHMEYER: Introduce yourselves,
5 please.

6 MR. NEVILLE: -- introduce yourselves
7 for the record.

8 MS. FARLEY: My name is Kat Farley. I'm
9 a paralegal for Mr. Schmeyer.

10 MR. DUNFORD: Mike Dunford. I'm
11 Mr. Schmeyer's associate at Kamerman Uncyk.

12 MS. GAYNOR: Deborah Gaynor. I am
13 Dylan's law clerk.

14 MR. SCHMEYER: All right. Is the court
15 reporter ready?

16 All right. We are on record.

17

18 EXAMINATION

19 BY MR. SCHMEYER:

20 Q. My name is Dylan Schmeyer. I am counsel for
21 the plaintiff, Bungie Inc. And my pronouns are he,
22 him, and his.

23 And would you mind stating your name for the
24 record, Mr. Minor?

25 A. Nicholas Alan Minor.

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1 A. Yeah.

2 Q. All right. Very good. Now, if you had to
3 pick, like, a favorite game, like one -- one title, one
4 favorite game, what would you pick?

5 A. Super Smash Bros.

6 Q. Right on. Classic fighting game. The
7 original, do you have affection for? Or is it one of
8 the titles they've released since?

9 A. Right now it's Super Smash Bros. Ultimate.

10 Q. Right on. What's your favorite character to
11 play?

12 A. Mii Gunner.

13 Q. There you go. I'm a Cloud guy myself just
14 because I'm not very good. But it's -- it's a lot of
15 fun. Right on.

16 Do you currently have a -- a YouTube account
17 that you're operating as of today?

18 A. Yes.

19 Q. What's the -- what's the username on that?

20 A. Lord Nazo.

21 Q. Right on. Right on. Same one. Okay.

22 And do you have a Twitter account as we speak
23 here today?

24 A. No.

25 Q. All right. Did you ever have one?

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1 A. Yes.

2 Q. What was -- what was your username?

3 A. Lord_Nazo.

4 Q. All right. @Lord_Nazo; is that correct?

5 A. Yes.

6 Q. Do you have -- do you have any memory of how
7 long you had that account?

8 A. No idea.

9 Q. Was it -- did you -- did you have it for,
10 would you say, more or less than five years?

11 A. Maybe, yes.

12 Q. Would you say you had it more or less than
13 three?

14 A. Yes.

15 Q. So would it be fair to say that you -- you had
16 it for three to five years?

17 A. Yes.

18 Q. All right. Very good.

19 Now, your YouTube channel, do you have any
20 other YouTube channels other than Lord Nazo?

21 A. No.

22 Q. So that's the one?

23 A. Yes.

24 Q. When did you first -- when did you first make
25 it?

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1 Q. Right on. And what sort of music -- what sort
2 of music do you like? Not just like to put up, but do
3 you like personally?

4 A. Action-type music, orchestral.

5 Q. Right on. So instrumental?

6 A. Yes.

7 Q. Sweeping?

8 A. Yeah.

9 Q. Understood, man. Understood. That stuff can
10 get you hyped, right?

11 A. Yeah.

12 Q. Right on. So when did you -- when did you --
13 if you can remember, when did you first start posting
14 tracks from -- from Destiny?

15 A. 2015.

16 Q. 2015. Did you post like OST tracks or video
17 game tracks from any other games?

18 A. Yes.

19 Q. Would you say you posted tracks from any games
20 more than Destiny 2? Do you have kind of like a
21 signature game that you like to post music from?

22 A. No.

23 Q. So how many tracks from Destiny 2 would you
24 say you posted? How many videos would you say you've
25 made? Let me rephrase.

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1 How many videos would you say that you've made
2 featuring Destiny 2 music?

3 A. At least 50.

4 Q. At least 50. Would you say more than a
5 hundred?

6 A. I can't recall.

7 Q. Understood. So, um, how -- how popular are
8 your videos typically when you post Destiny 2 music
9 videos?

10 A. They gain viewership, I guess, over time.

11 Q. If you could pick out of your head a typical
12 video, like how many views would it have of Destiny 2
13 music?

14 A. 20,000.

15 Q. Oh, wow. Not bad at all. 20,000. Is there,
16 like, one track that's more popular than the others?
17 Like, one set of videos or one specific video?

18 A. I can't recall.

19 Q. Fair enough. What about, like, from a certain
20 soundtrack? Do you think, like, there's a certain
21 soundtrack from the Destiny series that performs better
22 than the others?

23 A. The original.

24 Q. Right on. Right on. The classic?

25 A. Yeah.

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1 Q. Well, the viewers have taste.

2 Do you have a monetization enabled?

3 A. No.

4 Q. All right. Ever made any money from a YouTube
5 channel?

6 A. Yes.

7 Q. How much would you say?

8 A. Less than 10,000.

9 Q. How much would you say you make in a typical
10 year?

11 A. I can't recall.

12 Q. So less than 10,000. More than 5,000?

13 A. Yes.

14 Q. Would you say more than 7,000?

15 A. No.

16 Q. So somewhere between five and 7,000?

17 A. Yes.

18 Q. All right. Fair enough.

19 Has your YouTube channel ever been taken down?

20 A. Yes.

21 Q. Was it -- was it over Destiny 2 content?

22 A. Yes.

23 Q. Has it ever been taken down for reasons other
24 than Destiny 2 strikes?

25 A. No.

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1 And your -- you've played the sequel, Destiny

2 2?

3 A. Yeah.

4 Q. When did you start playing Destiny 2?

5 A. When it first launched.

6 Q. Right on. Kind of day one with that too?

7 A. Yeah.

8 Q. Well, very, very good. All right. When did
9 you decide, as you started playing these games, that
10 you wanted to -- you wanted to make Destiny content?

11 A. Through listening to the music, like,
12 throughout the games.

13 Q. What was -- what was your thought process?

14 Why did you decide, I want to make Destiny content?

15 A. Because I wanted to, like, listen to longer
16 versions of it.

17 Q. Longer versions. Tell me what you mean by
18 that.

19 A. Like, extending it to making it longer with a
20 seamless sort of, like, loop, I guess.

21 Q. Right on. So you wanted to loop Destiny
22 tracks so you could listen to them?

23 A. Yeah.

24 Q. Make them longer?

25 A. Yes.

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1 Q. Do you -- do you ever create, like, mash-ups,
2 like, loop together multiple tracks at once?

3 A. Yes.

4 Q. What's your favorite?

5 A. Sepiks Prime and Sepiks Redux.

6 Q. Very good. When did -- when did you make that
7 one?

8 A. A couple of years ago. I can't recall.

9 Q. A couple years ago? Fair enough.

10 A. Probably longer than that.

11 Q. How much longer, would you say?

12 A. I would say around the time Rise of Iron
13 launched in Destiny 1.

14 Q. Okay. How long did it take you to make it?

15 A. A couple of days.

16 Q. Now, what software do you use for your audio?

17 A. Audacity.

18 Q. Have you ever taken classes in Audacity, or
19 are you self-taught?

20 A. Self-taught.

21 Q. How long did it take you to learn Audacity?

22 A. Maybe a couple of weeks. But I'm still
23 learning some of the new features it's coming out with.

24 Q. Deep program. Lot's to learn.

25 A. Can you repeat that?

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1 Q. Okay. So would you say you stopped posting
2 Destiny 2 content on or around April 2022?

3 A. Earlier than that.

4 Q. March?

5 A. I'd say maybe January.

6 Q. Okay. Did you stop because of the situation
7 with the takedowns?

8 A. Yeah.

9 Q. Have you ever contemplated going back and
10 posting more Destiny content?

11 A. I've thought about it.

12 Q. Tell me what you thought about.

13 A. I wanted to upload some game play, make a
14 montage sort of thing.

15 Q. What kind of game play?

16 A. Like a -- like a headshot only replay. Stuff
17 like that.

18 Q. Whenabouts were you contemplating posting this
19 montage or making it?

20 A. A year ago.

21 Q. Okay. So let's talk a little bit about why
22 we're here. This suit. Fair to say it's about that
23 circumstance with the -- with the take takedowns?

24 A. Can you repeat that?

25 Q. This suit, would it be fair to so say that

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1 it's about that situation with the takedowns?

2 A. Yes.

3 Q. Did you anticipate this reaction?

4 A. Not quite.

5 Q. Tell me more about that. What did you
6 anticipate?

7 A. I believed that someone I thought was issuing
8 fraudulent takedowns would be pursued.

9 Q. Okay. Are you aware of the response to this
10 situation from other creators in the Destiny community?

11 A. Yes.

12 Q. Does their reaction surprise you?

13 A. No.

14 Q. Would you say it's fair to characterize that
15 reaction as angry?

16 A. Yes.

17 Q. Would you say it's fair to characterize it as
18 sad?

19 A. Yes.

20 Q. Tell me about your relationship with YouTube.
21 Have you had trouble with them in the past as far as
22 takedowns?

23 A. No.

24 Q. I'm sorry. Could you repeat that? That was a
25 little mumbled.

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1 A. No. None in particular.

2 Q. So when is the first time you can remember
3 getting a DMCA takedown notice?

4 A. December of last year.

5 Q. And are you aware of what the Digital
6 Millennium Copyright Act is?

7 A. No.

8 Q. Are you aware of what a Digital Millennium
9 Copyright Act takedown notice is?

10 A. Yes.

11 Q. When I say "DMCA notice," can we agree with
12 each other that that's what I'm talking about?

13 A. Yes.

14 Q. All right. Fair enough. So when all this
15 happened, it started with takedowns; fair to say?

16 A. Yes.

17 Q. Tell me about the first one that came in.
18 Tell me about how that made you feel.

19 A. Confused, angry.

20 Q. What confused you about it?

21 A. That I'd receive a takedown notice after the
22 video was uploaded eight years ago. It struck -- it
23 struck me as odd.

24 Q. What made you feel angry about it?

25 A. That it seemed like somebody was just

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1 attacking people in the Destiny 2 community, perhaps.

2 Q. Okay. So --

3 A. Yeah. And that YouTube was not providing any
4 transparency whatsoever.

5 Q. Were you frustrated with YouTube's lack of
6 transparency?

7 A. Yes.

8 Q. Was there anything specific in how YouTube
9 handles this sort of situation that made you most
10 frustrated?

11 A. I mean, just their complete anonymity that
12 comes with it.

13 Q. So to clarify, you're referring to the
14 complete anonymity with which somebody can issue a DMCA
15 takedown?

16 A. Yes.

17 Q. And an anonymous, to your view, DMCA takedown
18 coming in confused you, frustrated you, made you angry;
19 is that fair to say?

20 A. Yes.

21 Q. Would you say it's -- would you say that
22 similar reactions -- let me rephrase.

23 Would you say that you witnessed similar
24 reactions from other creators in the Destiny 2 space
25 when this situation was going down?

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1 A. Yes.

2 Q. Did you expect that?

3 A. Yes.

4 Q. Okay. How did it make you feel to see that
5 reaction?

6 A. Remorseful, hopeful.

7 Q. What made you feel hopeful?

8 A. That eventually the news would start to spread
9 and Bungie would notice.

10 Q. So it was not unexpected that your fellow
11 creators were confused, frustrated, and angry, correct?

12 A. Yes.

13 Q. Is that what you wanted?

14 A. No.

15 Q. What did you want?

16 A. I wanted Bungie to address the community and
17 be transparent about the takedowns and clarify whether
18 or not they actually issued any.

19 Q. Did you have doubts about whether or not they
20 had, in fact, issued any?

21 A. Yes.

22 Q. So you thought that this would get Bungie's
23 attention?

24 A. Yes.

25 Q. And would it be fair to say that that's what

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1 you wanted?

2 A. Yes.

3 Q. Okay. All right. So YouTube let's you know
4 about your first DMCA takedown notice, and it makes you
5 feel confused, frustrated, angry.

6 MR. SCHMEYER: I'm gonna have -- I'm
7 gonna have Rocco throw up what I have marked as Exhibit
8 H here and I'm going to label it Exhibit 2.

9 (Deposition Exhibit 2 was marked
10 for identification.)

11 Q. (BY MR. SCHMEYER) All right. This is the
12 Lord Nazo YouTube channel. Is this your YouTube
13 channel?

14 A. Yes.

15 Q. All right. Do you have any memory of posting
16 this?

17 A. Yes.

18 Q. All right. What -- what are you saying here?

19 A. Just that I liked the Witch Queen soundtrack.

20 Q. And you're -- you're getting to work on
21 extending most of the tracks. By "extending," do you
22 mean the sort of looping that we were discussing
23 earlier?

24 A. Yeah. The editing, stuff like that.

25 Q. Could you break down for me just a little bit

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1 Q. Are the Anime -- are the Anime videos not
2 typically very good performers?

3 A. Yeah.

4 Q. But you post the videos because you like the
5 content?

6 A. Yes.

7 Q. How -- here's something I'm curious about.

8 How often do you listen to your own mixes, we'll call
9 them?

10 A. Hours.

11 Q. Very good. Do you -- would you say your --
12 your hobby of mixing these tracks together and -- and
13 looping them and creating these mash-ups is something
14 you also do because you love to listen to the music?

15 A. Yes.

16 Q. So you're creating content for yourself and
17 not just for other people?

18 A. Yes.

19 Q. So there came a point where your channel was
20 shut down, wasn't there?

21 A. Yes.

22 Q. Why don't you tell me about what happened.

23 A. I received the second takedown notification.
24 And so before I could make the effort to prevent any
25 further damage to my account, I was -- I received the

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1 third strike within a few hours.

2 Q. Did you -- did you wake up to this issue and
3 just sort of arrive to it all at once, or did you watch
4 it unfold over the course of a day or a night?

5 A. Can you repeat that?

6 Q. Did you wake up to this issue, to your channel
7 being -- your channel being taken down, or did you
8 watch this situation unfold over the course of a day or
9 a night?

10 A. I basically woke up to it. Yes.

11 Q. Yeah. Were you worried about getting your
12 content restored?

13 A. No.

14 Q. What were you worried about?

15 A. Getting my account restored.

16 Q. Okay. Did you think at the time that you'd be
17 able to accomplish that?

18 A. I don't think so.

19 Q. Did you resolve to try?

20 A. Yes.

21 Q. Tell me the kind of things you were thinking
22 about trying.

23 A. Contacting YouTube. I tried contacting the
24 e-mail address that was listed under the takedowns.

25 Q. Anything else?

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1 A. I tried doing a lot of online research.

2 Q. Okay. What kind of research did you do?

3 A. Research on YouTube takedowns and, yeah, just
4 YouTube takedowns in general.

5 Q. Where did you look to get your information?

6 Did you research forums or more legal-type websites?

7 A. Google. I just used Google.

8 Q. And you found advice that you found useful?

9 A. Yeah.

10 Q. Fair to say once you'd done a little research,
11 figured some stuff out, you started taking steps to try
12 to get your channel restored?

13 A. Yeah.

14 Q. Were you successful in getting your channel
15 restored?

16 A. Yes.

17 Q. Whenabouts did you get it put back up?

18 A. I can't recall, but I believe it was before
19 June of last year.

20 Q. Okay. What particular action did you take
21 that was effective in restoring your channel?

22 A. Issuing counter notifications to all of the
23 takedowns.

24 Q. Tell me, in your understanding, what a counter
25 notification is.

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1 A. Basically that the initial DMCA takedown was a
2 mistake or an error.

3 Q. Now, are these counter notices things that you
4 have to draft up yourself, or is there a form that
5 YouTube allows you to use?

6 A. You have to draft them yourself.

7 Q. So where did you learn to draft them yourself?

8 A. On the YouTube help website.

9 Q. Okay. So YouTube offers a help website that
10 tells you how to draft counter notifications, and you
11 visited and learned from there; fair to say?

12 A. Yes.

13 Q. How many counter notifications did you draft
14 up to send?

15 A. I believe about five.

16 Q. How much time did that take you?

17 A. Probably a couple of days.

18 Q. Couple of days. So would you say you were
19 able to kind of borrow a bunch of content from one
20 draft to another, or were all five pretty unique?

21 A. They were similar, yes.

22 Q. What made them different to the extent that
23 they were?

24 A. The different URLs, I guess, that I listed
25 under each counter notification.

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1 dispense with that terminology. And I wanted to ask
2 you when we're talking about them, do you think we can
3 agree to call them "unauthorized" takedowns?

4 A. Sure.

5 Q. Okay. When would you say the idea occurred to
6 you to file unauthorized takedowns?

7 A. A few weeks after my YouTube channel got
8 terminated.

9 Q. Tell me how the idea formed. Tell me how it
10 came about.

11 A. I believed that I wasn't part -- or a --
12 prominent enough, I guess, in the community. So if
13 other people were experiencing the same issue, then
14 that would raise attention.

15 Q. So would it be fair to characterize the
16 genesis of your idea to do this as you wanting to get
17 attention on this issue?

18 A. Yes.

19 Q. Had you found YouTube to be particularly
20 helpful up to this point?

21 A. Not quite.

22 Q. Not quite. Can we elaborate on that? In what
23 ways did you find them helpful?

24 A. They at least respond to communications.

25 Q. What ways did you find them not helpful?

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1 A. They would give the same canned responses, for
2 the most part.

3 Q. Did you suspect the responses were form?

4 A. Can you repeat that?

5 Q. I'll repeat and rephrase.

6 Did you speculate that the responses were
7 automatic or form responses; that they weren't actually
8 reading your communications?

9 A. Yes.

10 Q. What other ways did you find them ineffective?

11 A. They seemed to not put as much interest, I
12 guess.

13 Q. At any point did you sort of have the thought
14 that you're not getting anywhere with YouTube?

15 A. Yes.

16 Q. Did you ever lose faith that you would be able
17 to achieve a resolution of the situation with YouTube?

18 A. Yes.

19 Q. When you wanted to get attention from the
20 broader community and from Bungie, did you hope that
21 they would help resolve the situation with YouTube?

22 A. Yes.

23 Q. And to make sure there's the foundation there
24 -- I skipped over myself a bit. You wanted to get
25 Bungie's attention as one of your primary objectives,

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1 correct?

2 A. Yes.

3 Q. Did you think if they came to perceive the
4 problem that you had perceived with fake takedowns
5 coming from the David Thomson address and others, that
6 Bungie would take action to fix it?

7 A. Yes.

8 Q. Why did you believe that?

9 A. Because I believed that they cared about their
10 community.

11 Q. What fostered this -- this perception of
12 caring for their community in you?

13 A. They -- I mean, they respond to people on
14 Twitter sometimes.

15 Q. Do you -- did you see their community managers
16 responding to other folks on Twitter?

17 A. Occasionally, yes.

18 Q. Folks like Cozmo, DMG?

19 A. Yeah.

20 Q. Did you -- let me rephrase.

21 When you witnessed those community managers
22 doing their job and interacting with people in the
23 community who had problems, were you impressed or --
24 yeah. Were you impressed by -- by their attention, by
25 their ability to get problems resolved?

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1 A. Can you repeat that?

2 Q. When you noticed these interactions from
3 community managers and from Bungie with other consumers
4 who had problems, did it strike you or was it your
5 opinion that they did an effective job of responding to
6 these problems?

7 A. I'd say they were at least helpful in the
8 sense that they were responsive.

9 Q. And you hoped if you got the problem that you
10 had perceived in front of them, that they would be
11 helpful and responsive?

12 A. Yes.

13 Q. So you decided that to get their attention you
14 would file takedowns of your own, correct?

15 A. Yes.

16 Q. I would like to put up a -- I would like to
17 put up one of those as an exhibit right now. We'll
18 mark it as Exhibit 3.

19 MR. SCHMEYER: Rocco, if you could put
20 up J for me.

21 (Deposition Exhibit 3 was marked
22 for identification.)

23 Q. (BY MR. SCHMEYER) Now I'd like to just walk
24 through some elements of this here, if you don't mind.
25 Look at -- can you -- can you see that okay?

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1 I know some of the -- some of the print's a little
2 small up top. Can you read the "From/To" subject lines
3 all right?

4 A. Yeah.

5 Q. So that is JeremyWilandCSC@gmail.com, correct?

6 A. Yes.

7 Q. Did you create that e-mail address?

8 A. I'm invoking my Fifth Amendment rights and
9 refusing to answer.

10 Q. Okay. Do you recognize this document?

11 A. Fifth Amendment.

12 Q. Okay.

13 MR. SCHMEYER: You can go ahead and take
14 that exhibit down.

15 Q. (BY MR. SCHMEYER) All right. Are you
16 presently employed by Bungie, Nicholas?

17 A. No.

18 Q. Have you ever been employed by Bungie?

19 A. No.

20 Q. Have you ever been a contractor for them?

21 A. No.

22 Q. Have you ever been employed by the CSC
23 Corporation?

24 A. No.

25 Q. Have you ever been contracted by the CSC

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1 Corporation?

2 A. No.

3 Q. Did you receive, at any point, any permission
4 from Bungie or CSC to file any DMCA takedowns?

5 A. No.

6 Q. Have you ever received any authorization from
7 Bungie or CSC to issue any copyright notices of any
8 kind ever?

9 A. No.

10 MR. SCHMEYER: All right. I am going to
11 take a break here, Folks. I could stand one. Can we
12 go off the record and be back in 10 minutes?

13 MR. GETZ: Yep. 10 minutes is fine.

14 MR. SCHMEYER: Okay.

15 MR. GETZ: Thank you.

16 MR. SCHMEYER: Of course.

17 THE VIDEOGRAPHER: All right. The time
18 on the monitor is 11:33 a.m. and we are off the record.

19 (Recess taken.)

20 THE VIDEOGRAPHER: The time on the
21 monitor is 11:43 a.m. and we are back on the record.

22 Q. (BY MR. SCHMEYER) All right. I'm just
23 picking up where we left off, Nicholas.

24 Is Jeremy Wiland a real person?

25 A. Fifth Amendment.

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1 A. No.

2 Q. Okay.

3 MR. SCHMEYER: You can go ahead and take
4 that down for now, Rocco. Thank you.

5 Q. (BY MR. SCHMEYER) All right. Fair enough.

6 At -- at any point in time, Nicholas, did
7 anybody other than you have access to any of these
8 JeremyWilandCSC@gmail.com and
9 DamianReynoldsCSC@gmail.com e-mail addresses?

10 A. Fifth Amendment.

11 Q. Okay. Would it be fair so say that if a
12 communication or e-mail came from one of these accounts
13 that you sent it?

14 A. Fifth Amendment.

15 Q. Are these all the e-mail accounts that you
16 sent takedown notices from?

17 A. Fifth Amendment.

18 Q. What is your primary personal e-mail address,
19 Nicholas?

20 A. PerfectNazol@gmail.com.

21 Q. Okay. Perfect Nazo 1. Would you say you do
22 the majority of your e-mail correspondence from that
23 account?

24 A. Yes.

25 Q. Is that the e-mail you used to register your

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1 Lord Nazo YouTube account?

2 A. Yes.

3 Q. Is that the e-mail you used to register your
4 Lord_Nazo Twitter account?

5 A. Yes.

6 Q. Have you ever sent a DMCA takedown strike from
7 that e-mail address?

8 A. I don't recall.

9 Q. Have you ever sent a counter notification, a
10 DMCA counter notice from that e-mail address?

11 A. Yes.

12 Q. Would these be the same five counter
13 notifications that we discussed earlier?

14 A. Fifth Amendment.

15 Q. Okay. All right. Now, when you had takedown
16 notices sent from the David Thomson at CSC e-mail
17 address against your videos, did those videos get taken
18 down as a result of those strikes?

19 A. Can you repeat the question?

20 Q. When you received takedown notices from
21 DavidThomsonCSC@gmail.com, were the videos that you
22 received those takedowns for taken down?

23 A. Yes.

24 Q. Were they taken down immediately?

25 A. Yes.

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1 Q. Were all of them taken down immediately?

2 A. Define "all of them."

3 Q. Every video that was hit with a DMCA takedown
4 strike from DavidThomsonCSC@gmail.com.

5 A. Yes.

6 Q. Were any of them put on any sort of time limit
7 and taken down at a later date?

8 A. No.

9 Q. Is there anybody else who is involved in this
10 situation with you?

11 A. Fifth Amendment.

12 Q. Now, your videos were taken down as a result
13 of DMCA takedown notices, correct?

14 A. Yes.

15 Q. Did you intend for the notices you sent to
16 result in videos being taken down?

17 A. Fifth Amendment.

18 Q. Did you expect that they would be given
19 warnings before they would be taken down?

20 A. Yes.

21 Q. Are you familiar with Aztecross?

22 A. Yes.

23 Q. And as you said before, you're familiar with
24 Mynameisbyf?

25 A. Yes.

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1 Q. How are you familiar with them?

2 A. Fifth Amendment.

3 Q. How long have you known of their accounts?

4 A. Fifth Amendment.

5 Q. You sent takedown notices to Mynameisbyf and
6 to Aztecross, correct?

7 A. Fifth Amendment.

8 Q. Did you target large accounts for these
9 unauthorized takedown notices intentionally?

10 A. Fifth Amendment.

11 Q. Were these large targets with lots of
12 followers attractive targets because you suspected
13 their popularity would afford them a little more leeway
14 and not have their accounts taken down or their videos
15 stricken immediately?

16 A. Fifth Amendment.

17 Q. When did you first become aware of the public
18 reaction to all of this?

19 A. Fifth Amendment.

20 Q. When did you become aware of the community
21 reaction to all of this; specifically Destiny 2 content
22 creators?

23 A. Fifth Amendment.

24 Q. When did you become aware that Bungie had
25 taken notice of all this?

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1 A. Fifth Amendment.

2 Q. All right.

3 MR. SCHMEYER: I would like to throw an
4 exhibit up as Exhibit 5.

5 Rocco, that will be my Exhibit L.

6 (Deposition Exhibit 5 was marked
7 for identification.)

8 Q. (BY MR. SCHMEYER) I want you to go ahead and
9 take a look at this, Nicholas, for just a couple
10 seconds here.

11 (Witness reviewing document.)

12 Q. (BY MR. SCHMEYER) All right. Did you file
13 this?

14 A. Fifth Amendment.

15 Q. Why did you file counter notices after you had
16 filed unauthorized takedowns?

17 A. Fifth Amendment.

18 Q. Were you aware that Bungie was pledging to
19 help anybody who had their content taken down by
20 unauthorized takedowns get their content back up?

21 A. Fifth Amendment.

22 Q. At any point did you come to the conclusion or
23 form the opinion that Bungie would help you get your
24 content put back up?

25 A. Fifth Amendment.

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1 Q. Okay.

2 MR. SCHMEYER: You can go ahead and take
3 that down, Rocco, if you would. And I will -- I will
4 throw something right back up. Sorry.

5 I'd like to throw up as Exhibit 6 here what I
6 have marked Exhibit N, Rocco.

7 THE VIDEOGRAPHER: Did you say M or N?

8 MR. SCHMEYER: Oh, I beg your pardon, N.

9 THE VIDEOGRAPHER: N, okay. Thank you.

10 (Deposition Exhibit 6 was marked
11 for identification.)

12 Q. (BY MR. SCHMEYER) All right. I'd like you to
13 take a look at this, Nick. And when you have read it,
14 let me know and we will scroll down.

15 A. You can scroll.

16 Q. Stay for this page?

17 A. Yes. You can scroll down.

18 THE VIDEOGRAPHER: That's the last page.

19 MR. SCHMEYER: Okay. Very good.

20 Q. (BY MR. SCHMEYER) Do these -- do you
21 recognize these?

22 A. Fifth Amendment.

23 Q. Okay. Are these your statements, Nicholas?

24 A. Fifth Amendment.

25 Q. At any point were you trying to use the

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1 community reaction to unauthorized takedowns to try to
2 get Bungie to assist you in getting your content put
3 back up?

4 A. Fifth Amendment.

5 Q. Were you ever trying to use your own
6 unauthorized takedowns and the fear they inspired to
7 get Bungie to assist you in putting your content back
8 up?

9 A. Can you repeat the question?

10 Q. Did you ever try to use your own unauthorized
11 takedowns and the reaction they inspired to get Bungie
12 to assist you in getting your content back up?

13 A. Fifth Amendment.

14 Q. Do you have a Discord account?

15 A. Yes.

16 Q. What is your Discord username?

17 A. I can't recall.

18 Q. Is your Discord username Lord Nazo?

19 A. Fifth Amendment.

20 Q. All right.

21 MR. SCHMEYER: You can go ahead and take
22 that down, Rocco. Okay. And we're gonna throw
23 something else up. If you could throw up what I have
24 marked as Exhibit O, Rocco.

25 Pardon me. I lost my pen.

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1 I'm going to mark that as Exhibit 7.

2 (Deposition Exhibit 7 was marked
3 for identification.)

4 Q. (BY MR. SCHMEYER) Do you recognize this?

5 A. Fifth Amendment.

6 Q. You -- you testified earlier that your Twitter
7 username was @Lord_Nazo, correct?

8 A. Fifth Amendment.

9 Q. Do you recall sending this Tweet?

10 A. Fifth Amendment.

11 Q. All right. Were you hoping that the
12 controversy you were inspiring with your unauthorized
13 takedowns would convince YouTube to take action on your
14 account?

15 A. Fifth Amendment.

16 Q. Did you think that YouTube would take action
17 on your account?

18 A. Fifth Amendment.

19 Q. Okay. Did you at any point have a right to
20 send takedown notices on behalf of Bungie?

21 A. Fifth Amendment.

22 Q. Did you ever think you did?

23 A. Fifth Amendment.

24 MR. SCHMEYER: All right. You can take
25 that down, Rocco. And we're back after it again. I

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1 want to show him something else. If we could throw up
2 Exhibit P, please, that I will mark here for the depo
3 as Exhibit 8.

4 (Deposition Exhibit 8 was marked
5 for identification.)

6 Q. (BY MR. SCHMEYER) You testified earlier that
7 Lord Nazo was your YouTube account, correct?

8 A. Wait. Can you repeat the question?

9 Q. You testified earlier this morning that
10 Lord Nazo was your YouTube account, correct?

11 A. Yes.

12 Q. Is this your YouTube account, Nicholas?

13 A. Fifth Amendment.

14 Q. Okay. This is a post from your community tab
15 of your YouTube channel, and it says that this won't be
16 the end. The end of what?

17 A. Fifth Amendment.

18 Q. You mention here that you might upload -- or,
19 I'm sorry, offload your deleted videos to a different
20 location. Is this your only YouTube channel, Nick?

21 A. Fifth Amendment.

22 Q. Were you thinking about making another YouTube
23 channel?

24 A. Fifth Amendment.

25 Q. Have you ever considered making another

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1 YouTube channel?

2 A. Fifth Amendment.

3 Q. And on that alternate channel, would you post
4 the same types of content?

5 A. Fifth Amendment.

6 Q. Would you upload your stricken videos to that
7 alternate YouTube channel?

8 A. Fifth Amendment.

9 MR. SCHMEYER: You can take that down,
10 Rocco.

11 Q. (BY MR. SCHMEYER) We've seen a number of
12 posts by Lord Nazo. Do you know of any other
13 Lord Nazos?

14 A. Fifth Amendment.

15 Q. Did you use the same profile picture for all
16 of your accounts?

17 A. Fifth Amendment.

18 Q. Did you assume that you were anonymous,
19 Nicholas?

20 A. Fifth Amendment.

21 Q. Did you assume that there was no way to --
22 there was no way to catch you?

23 A. Fifth Amendment.

24 Q. What steps do you take to maintain anonymity
25 on the internet?

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1 A. Fifth Amendment.

2 Q. All right. Moving on. All right. I'm gonna
3 ask you some -- some questions about the soundtracks
4 that you -- you like to post to your YouTube account.

5 Did you -- do you post songs from the original
6 soundtrack of The Taken King, an expansion to the
7 original Destiny game?

8 A. Yes.

9 Q. Did you post songs from the original
10 soundtrack of the Destiny: Rise of Iron expansion?

11 A. Yes.

12 Q. Did you post songs from the original
13 soundtrack of Destiny 2?

14 A. Yes.

15 Q. Did you post songs from the original
16 soundtrack from the Forsaken expansion?

17 A. Yes.

18 Q. Did you post songs from the original
19 soundtrack of the Shadowkeep expansion?

20 A. Yes.

21 Q. Did post songs from the original soundtrack of
22 the Beyond Light expansion?

23 A. Yes.

24 Q. Did post songs from the original soundtrack of
25 the Witch Queen expansion?

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1 MR. SCHMEYER: 2022, I meant. I am so
2 sorry.

3 Q. (BY MR. SCHMEYER) On March 2nd -- 22nd,
4 2022 -- I beg your pardon -- do you recall sending out
5 any communications?

6 A. I don't recall.

7 Q. Do you recall sending out any communications
8 explaining what you did?

9 A. I can't recall.

10 Q. Okay. It's okay. I have it here. It's not a
11 memory test. One moment.

12 MR. SCHMEYER: Rocco, could we throw up
13 my Exhibit W. I'm going to mark that as Exhibit 9.
14 (Deposition Exhibit 9 was marked
15 for identification.)

16 Q. (BY MR. SCHMEYER) All right. Do you
17 recognize this?

18 A. Fifth Amendment.

19 Q. Okay. Why -- what were you hoping to
20 accomplish with writing this?

21 A. Fifth Amendment.

22 Q. Were you hoping to convince the public to
23 support what you were doing?

24 A. Fifth Amendment.

25 Q. Were you hoping to convince the public that

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1 David Thomson was a fraudulent e-mail address?

2 A. Fifth Amendment.

3 Q. Were you trying to convince readers that the
4 takedowns David Thomson had been sending were
5 fraudulent?

6 A. Fifth Amendment.

7 Q. Were you hoping that Bungie would read this?

8 A. Fifth Amendment.

9 Q. Were you hoping that after they read it that
10 they would take actions to help you get your content
11 restored and to help others get their content restored?

12 A. Fifth Amendment.

13 Q. Were you hoping this would get press
14 attention?

15 A. Fifth Amendment.

16 Q. Were you hoping this would go viral on social
17 media?

18 A. Fifth Amendment.

19 Q. Were you hoping that this would dull community
20 anger to what was happening to them?

21 A. Fifth Amendment.

22 Q. Okay.

23 MR. SCHMEYER: You can -- you can take
24 that down, Rocco. Okay.

25 All right. I would like to -- actually, one

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1 here -- I just left my pen. One second.

2 For Exhibit 11, Rocco, I want to throw up what
3 I labeled as Q. Once again, thank you for bearing with
4 me.

5 (Deposition Exhibit 11 was marked
6 for identification.)

7 Q. (BY MR. SCHMEYER) All right. Do you
8 recognize this Tweet, Nicholas?

9 A. Yes.

10 Q. Do you recall sending this Tweet, Nicholas?

11 A. Fifth Amendment.

12 Q. When you say, "Except it's not actually Bungie
13 who is going after them," what did you mean? Who was
14 "them"?

15 A. Fifth Amendment.

16 Q. Okay. Was the third-party brand protection
17 service that you're referring to here, is that CSC? Is
18 that who you meant?

19 A. Fifth Amendment.

20 Q. Okay. You denied that the
21 JeremyWilandCSC@gmail.com account sent that first
22 unauthorized DMCA takedown notice on February 5th of
23 2022. Why?

24 A. Fifth Amendment.

25 MR. SCHMEYER: All right. We can take

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1 that down, Rocco. And I'd like to throw something else
2 up. This will be Exhibit 11, and it will be my label
3 R.

4 THE VIDEOGRAPHER: This will be 12,
5 actually.

6 MR. SCHMEYER: Oh, well, right on. All
7 right. Thank you. And that is why we leave it to the
8 pros.

9 (Deposition Exhibit 12 was marked
10 for identification.)

11 Q. (BY MR. SCHMEYER) All right. Do you
12 recognize this Tweet, Nicholas?

13 A. Yes.

14 Q. Did you send this Tweet, Nicholas?

15 A. Fifth Amendment.

16 Q. And when -- when you were asked -- when you
17 were talking about something getting out of hand, what
18 did you mean?

19 A. Fifth Amendment.

20 Q. Okay.

21 MR. SCHMEYER: You can take that down.

22 Q. (BY MR. SCHMEYER) Did you submit a takedown
23 request from the JacobAverz -- Averz@gmail.com account?

24 A. Fifth Amendment.

25 Q. The takedown that was sent from the Jacob

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1 Averz Gmail account was signed Damian Reynolds. Did
2 you -- did you sign this takedown Damian Reynolds?

3 A. Fifth Amendment.

4 Q. Was that an accident?

5 A. Fifth Amendment.

6 MR. SCHMEYER: Can we -- can we throw up
7 real quick as Exhibit 13, what I have labeled S.

8 (Deposition Exhibit 13 was marked
9 for identification.)

10 Q. (BY MR. SCHMEYER) Did you intend to send that
11 takedown from the Damian Reynolds account?

12 A. Fifth Amendment.

13 Q. Do you recognize that takedown?

14 A. I can't recall.

15 Q. Okay. Could there have been any other reason
16 that you could've had for submitting a takedown from
17 Jacob Averz as Damian Reynolds?

18 A. Fifth Amendment.

19 Q. Could anybody else have written that takedown?

20 A. Fifth Amendment.

21 Q. Could you explain for me why you would deny
22 writing that takedown notice in your answer?

23 A. Fifth Amendment.

24 Q. So the Damian Reynolds account submitted an
25 identical notice on that very same video right after

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1 the Jacob Averz account did. Was this you?

2 A. Fifth Amendment.

3 Q. Were you trying to fix a mistake?

4 A. Fifth Amendment.

5 Q. Did somebody else file that second takedown
6 notice?

7 A. Fifth Amendment.

8 Q. Now, is it correct that YouTube asked you at
9 one point to provide documentation of your authority to
10 submit these requests?

11 A. Something to that extent, I guess.

12 Q. Do you recall in your recollection -- let me
13 rephrase.

14 In your recollection, do you recall what they
15 asked you?

16 A. They said I could provide a website URL.

17 Q. A website URL to what purpose?

18 A. What do you mean by that?

19 Q. What was the website URL to, or what did they
20 want it to represent?

21 A. The company that was filing the takedown, I
22 believe.

23 Q. So is it fair to say they wanted you to submit
24 a URL that could serve as some form of credential?

25 A. Yes.

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1 Q. Okay. What requests flagged this particular
2 response from YouTube?

3 A. Fifth Amendment.

4 MR. SCHMEYER: You can go ahead and take
5 that down, Rocco. Thank you.

6 Q. (BY MR. SCHMEYER) All right. Now, when
7 YouTube asked you to provide documentation of your
8 authority to submit these requests, you responded by
9 retracting your takedown notices, correct?

10 A. Fifth Amendment.

11 Q. Okay. Now, were you worried about getting
12 caught?

13 A. Fifth Amendment.

14 Q. What was your reaction when YouTube asked you
15 to provide documentation of your authority to submit
16 those requests?

17 A. Fifth Amendment.

18 Q. Why didn't you send YouTube any further proof
19 of authority from Bungie?

20 A. Fifth Amendment.

21 Q. Why didn't you send YouTube any further proof
22 of authority from CSC Corporation?

23 A. Fifth Amendment.

24 Q. At any point did you consider inventing
25 credentials or something like you had the e-mail

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1 addresses?

2 A. Fifth Amendment.

3 Q. You'd already identified yours yourself as
4 CSC, correct?

5 A. Fifth Amendment.

6 Q. You provided their corporate website, an
7 actual address, a phone number. And you claimed I was
8 part of CSC entertainment; is that correct?

9 A. Fifth Amendment.

10 Q. Did you think at this point when a good idea
11 to stop might be?

12 A. Fifth Amendment.

13 Q. So YouTube asked for proof of authority on
14 March 18th, 2022. Does that sound right?

15 A. I can't recall.

16 Q. That same day you sent another five
17 unauthorized takedowns from Jeremy Wiland, correct?

18 A. Fifth Amendment.

19 Q. The next day, that would be March 19th, 2022,
20 Google received 53 takedown notices from these accounts
21 we've been discussing. Did you send those?

22 A. Fifth Amendment.

23 Q. In total, you sent 96 different notices
24 targeting 95 videos; is that correct?

25 A. Fifth Amendment.

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1 Q. Is there any reason why you denied that in
2 your answer?

3 A. Fifth Amendment.

4 Q. Do you -- did anyone else send any of these
5 unauthorized takedowns?

6 A. Fifth Amendment.

7 Q. Do you know the account The Phoenix?

8 A. I can't recall.

9 Q. How about Promethean and Archival Mind?

10 A. Yes.

11 Q. How do you know Promethean and Archival Mind?

12 A. Fifth Amendment.

13 Q. Do you know the account Azod_FR?

14 A. Doesn't sound -- doesn't ring a bell. I can't
15 recall.

16 Q. These -- these were some of the -- some of the
17 accounts that got hit with these unauthorized takedown
18 notices. Did you hit these accounts with unauthorized
19 takedown notices?

20 A. Fifth Amendment.

21 Q. Their smaller than Byf and Aztecross, Orders
22 of Magnitude. How did you decide that you'd hit them
23 with unauthorized takedowns too?

24 A. Fifth Amendment.

25 Q. Did you select at random?

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1 A. Fifth Amendment.

2 Q. Do you know any of these accounts we've talked
3 about personally?

4 A. Fifth Amendment.

5 Q. Have you ever interacted with them on social
6 media or Discord?

7 A. Fifth Amendment.

8 Q. Is the fact that you knew each other in any
9 way part of the reason you chose to send unauthorized
10 takedowns to their accounts?

11 A. Fifth Amendment.

12 Q. Would say it's fair to say that social
13 proximity inspired you to hit them with unauthorized
14 takedown requests?

15 A. Fifth Amendment.

16 Q. Do you remember hitting Bungie's official
17 YouTube with a DMCA takedown?

18 A. Fifth Amendment.

19 Q. Is there a reason why you'd go after Bungie
20 themselves?

21 A. Fifth Amendment.

22 Q. Did you go after Bungie themselves to get
23 their attention and to draw their attention to this
24 issue?

25 A. Fifth Amendment.

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1 Q. Do you deny that videos got taken down as a
2 result of the takedowns you sent?

3 A. Fifth Amendment.

4 Q. Did you file any unauthorized takedown notices
5 to your own account?

6 A. Fifth Amendment.

7 Q. Did you file any unauthorized notices to your
8 own account from the JeremyWilandCSC@gmail.com address?

9 A. Fifth Amendment.

10 Q. Did you send YouTube counter notifications for
11 your own DMCA strikes around the time this was
12 happening?

13 A. Fifth Amendment.

14 Q. What was the basis for those counter notices?

15 A. Fifth Amendment?

16 Q. In those counter notices, did you contend that
17 somebody else submitted a fraudulent takedown notice
18 against your account?

19 A. Fifth Amendment.

20 Q. So would you say it's fair to say that the
21 only person who was submitting unauthorized takedown
22 notices at this time was you?

23 A. Fifth Amendment.

24 Q. Was this sort of an act of civil disobedience
25 on your part?

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1 A. Fifth Amendment.

2 Q. Was it an attempt to address by example what
3 you thought was an unfair process at YouTube?

4 A. Fifth amendment.

5 Q. Was it an attempt to address what you thought
6 was negligence on the part of Bungie?

7 A. Fifth Amendment.

8 Q. Was it an attempt to address what you saw as
9 ignorance on the part of Bungie?

10 A. Fifth Amendment.

11 Q. All right. So is it true that in your own
12 DMCA takedown requests -- or in your own -- pardon me.
13 Let me rephrase.

14 Is it true in your own counter notices that
15 you reference your own unauthorized takedown requests
16 as well as Bungie's public statements about them?

17 A. Fifth amendment.

18 Q. Was that in an effort to get your videos put
19 back up?

20 A. Fifth Amendment.

21 Q. How much of this entire sequence of events
22 was, as a percentage, an attempt for you to get your
23 videos put back up?

24 A. Fifth Amendment.

25 MR. SCHMEYER: Could we throw up as

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1 Exhibit 14 what I marked as T, Rocco.

2 (Deposition Exhibit 14 was marked
3 for identification.)

4 Q. (BY MR. SCHMEYER) All right. Do you
5 recognize this, Nicholas?

6 A. Yes.

7 Q. Did you send this Tweet, Nicholas?

8 A. Fifth Amendment.

9 Q. Could anyone else have sent this Tweet,
10 Nicholas?

11 A. Fifth Amendment.

12 Q. What did you mean by Bungie or CSC is out of
13 control?

14 A. Fifth Amendment.

15 Q. You tag community managers and Bungie
16 themselves. Why?

17 A. Fifth Amendment.

18 Q. All right.

19 MR. SCHMEYER: You can go ahead and take
20 that down, Rocco. All right. Let me take a look at
21 something here real quick. I beg your pardon. We're
22 gonna throw up -- we're gonna throw up another exhibit
23 here, Rocco. I just looking up which one it is on my
24 list. Yes. Could we throw up Exhibit U. And I'll
25 mark that as Exhibit No. 15.

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1 (Deposition Exhibit 15 was marked
2 for identification.)

3 Q. (BY MR. SCHMEYER) Do either of these posts
4 look familiar, Nicholas?

5 A. I don't recall.

6 Q. Is your Reddit account Lord Nazo?

7 A. Yes.

8 MR. SCHMEYER: Could we -- real quick,
9 could we take that down, Rocco, and put up B. And I'll
10 mark that as Exhibit 16.

11 (Deposition Exhibit 16 was marked
12 for identification.)

13 Q. (BY MR. SCHMEYER) So this is the source code
14 for those posts, and it represents that the user was
15 Lord Nazo. Does that refresh your recollection at all?

16 A. (Nonverbal response.)

17 Q. All good.

18 MR. SCHMEYER: Can we take that down
19 and bring U back up.

20 Q. (BY MR. SCHMEYER) Did you write these Reddit
21 posts, Nicholas?

22 A. Fifth Amendment.

23 Q. Why were you posting all this -- all this
24 stuff on Reddit?

25 A. Fifth Amendment.

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1 Q. Did you write other Reddit posts where you
2 said that while this wasn't the best way to get
3 Bungie's attention, you at least now had a chance to
4 get your channel restored?

5 A. Fifth Amendment.

6 MR. SCHMEYER: So we're gonna take that
7 down, Rocco. And as Exhibit 17, I'd like you to put up
8 X. Oh, well look at that. That's a problem. One
9 moment. Let me see if I can fix that.

10 Let's go off the record for a moment if we
11 could.

12 THE VIDEOGRAPHER: Okay. The time on
13 the monitor is 1:47 p.m. We are off the record.

14 (Pause in the proceeding.)

15 THE VIDEOGRAPHER: The time on the
16 monitor 1: 49 p.m. and we are back on the record.

17 MR. SCHMEYER: Okay. I beg your pardon.
18 I uploaded a defective exhibit and have corrected that,
19 and now we have -- we have the correct exhibit on the
20 screen as Exhibit 17.

21 (Deposition Exhibit 17 was marked
22 for identification.)

23 Q. (BY MR. SCHMEYER) Do you recognize this
24 e-mail, Nicholas?

25 A. Yes.

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1 Q. Why did you send this?

2 A. Fifth Amendment.

3 Q. Is Minor.n.personal@gmail.com, which you'll
4 see is the e-mail in the "From" line there, your e-mail
5 address?

6 A. Fifth Amendment.

7 Q. Is this the e-mail address associated with
8 your Lord Nazo YouTube account?

9 A. Fifth Amendment.

10 Q. What e-mail address, again, was your YouTube
11 channel associated with?

12 A. PerfectNazo01@gmail.com.

13 Q. Why did you send this e-mail from this address
14 and not PerfectNazo01 [sic]?

15 A. Fifth Amendment.

16 Q. Did you create this e-mail account
17 specifically to send this e-mail?

18 A. Fifth Amendment.

19 Q. And did you use this e-mail as opposed to
20 PerfectNazo01 in an effort to obfuscate your connection
21 with PerfectNazo01?

22 A. Fifth Amendment.

23 Q. When did you create this Minor.n.personal
24 Gmail account?

25 A. Fifth Amendment.

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1 Q. Do you use this e-mail account for any
2 account?

3 A. Fifth Amendment.

4 Q. Do you mention in this e-mail the Lord Nazo
5 YouTube account at all?

6 A. Fifth Amendment.

7 Q. Why not?

8 A. Fifth Amendment.

9 Q. Did anything in particular prompt you to send
10 this e-mail?

11 A. Fifth Amendment.

12 Q. What did you want to communicate to Bungie's
13 legal team with this e-mail?

14 A. Fifth Amendment.

15 Q. You ID yourself in this e-mail as one of the
16 Does, but you said that you suspected you were the only
17 one. Why?

18 A. Fifth Amendment.

19 Q. In this communication and in the communication
20 that we called in the -- we called in the compliant the
21 manifesto, you don't mention Lord Nazo at all. Why
22 not?

23 A. Fifth Amendment.

24 Q. So you say here that -- you said that the
25 manifesto e-mail was intended to be an explanation of

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1 all of this. Is that manifesto e-mail that this e-mail
2 is referring to the same one we discussed earlier?

3 A. Fifth Amendment.

4 Q. Were you set up, Nicholas?

5 A. Fifth Amendment.

6 Q. Did somebody else send this confession e-mail?

7 A. Fifth Amendment.

8 Q. Okay. Did you send this e-mail in an effort
9 to take responsibility for what you had done?

10 A. Fifth Amendment.

11 Q. Did you send this e-mail as a first step in
12 trying to make it right?

13 A. Fifth Amendment.

14 Q. Okay.

15 MR. SCHMEYER: You can take it down,
16 Rocco. Thank you. And we're getting there.

17 I need another thrown up as exhibit -- I
18 believe this would be 18. And you can pull -- it's Y.
19 Exhibit Y for 18 for me, Rocco.

20 (Deposition Exhibit 18 was marked
21 for identification.)

22 Q. (BY MR. SCHMEYER) Does this look familiar,
23 Nicholas?

24 A. Yes.

25 Q. Did you send this?

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1 A. Fifth Amendment.

2 Q. This e-mail says, "Hope striking everyone's
3 content was worth it. If I were you I'd delete my
4 Google account. Bungie and probably even Google are
5 going to come after you." Why did you send this to
6 DavidThomsonCSC@gmail.com?

7 A. Fifth Amendment.

8 Q. All right. Were you trying to get a response
9 out of David Thomson?

10 A. Fifth Amendment.

11 Q. Did you think that maybe he would admit that
12 he had done this to you too?

13 A. Fifth Amendment.

14 Q. Okay. All right. So in summation, let me see
15 if I understand what we've discussed and what you've
16 been able to tell me correctly. So it's fair to say
17 that you're a gamer who likes and liked playing Destiny
18 and Destiny 2, yeah?

19 A. Yes.

20 Q. Fair to say that you were sick of YouTube's
21 terrible IP enforcement mechanisms?

22 A. Yes.

23 Q. Fair to say that you thought they were unfair?

24 A. Yes.

25 Q. You -- did you get content strikes that made